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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,921	08/31/2001	Juergen Reinold	IA00010	2208

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MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
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EXAMINER

PATEL, AJIT

ART UNIT PAPER NUMBER

2664

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,921

Applicant(s)

REINOLD ET AL.

Examiner

AJIT G. PATEL

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/5</u> | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2664

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al in view of Razavi et al.

Regarding claim 1, 12, Civanlar et al disclose a communication system comprising a first device 90 of fig. 3) and a second device (95 of fig. 3), an active network (CORE AND EDGE of fig. 3) communicatively coupling the first device and the second device, the active network comprising a core portion (CORE of fig.3) and a peripheral portion (EDGE of fig. 3), the peripheral portion being coupled to the core portion, and the first device and the second device being coupled to the peripheral portion (fig. 3). The communication system of Civanlar et al is not implemented in vehicle. Razavi et al disclose a vehicle communication system (see 60 of fig. 4; fig. 2). Therefore, it would have been obvious to one skilled in the art to use the communication system of Civanlar et al in a vehicle as taught by Razavi et al depending on the design choice.

Regarding claim 2, Civanlar et al disclose the limitation "the active network comprises a packet data network" (lines 1-8 of page 5).

Regarding claims 3, 12, Civanlar et al disclose the limitation "the active network comprises a plurality of active network elements (IPRR, IPRS of fig. 3) coupled by

connection media, wherein the core portion comprises a core active network element (IPRS of fig. 3) and the peripheral portion comprises a peripheral active network element (IPRR of fig. 3)".

Regarding claims 4, 12, Civanlar et al disclose the limitation "the active network comprises a plurality of active network elements (IPRR, IPRS of fig. 3) coupled by connection media, wherein the core portion (CORE of fig. 3) comprises a first active network element of the plurality of active elements (IPRS 120-123 of fig. 3) and a second active network element of the plurality of active network elements (120-123 of fig. 3) ".

Regarding claim 5, Civanlar et al disclose the limitation "the connection media coupling the first active network element and the second active network element comprises a plurality of communication paths between the first and second active network elements (it is noted that the plurality of IPRS (120-123) of fig. 3 are connected by a plurality paths)

Regarding claim 6, Civanlar et al disclose the limitation "at least one of the active network elements comprises a switch" (line 57, page 5).

Regarding claims 7 and 8, Civanlar et al disclose the limitation "at least one of the active network elements a router or bridge" (lines 1-8, page 5).

Regarding claim 9, Civanlar et al disclose the limitation "the peripheral portion comprises a first active elements of the plurality of active elements and a second active element of the plurality of active elements" (IPRR).

Regarding claims 10, 15 Civanlar disclose the limitation "the core portion has a first data rate capability and the peripheral portion has a second data rate capability different than the first data rate capability" (It is noted that the communication system of Civanlar comprising a CORE portion and the EDGE portion, the CORE portion is called the backbone which always has higher data rate than the EDGE portion, see fig. 3).

Regarding claims 11, 16 Civanlar disclose the limitation "the core portion comprises a communication network backbone structure" (line 58 of page 5 indicates ATM switches which is a backbone network).

Regarding claims 13, and 14, Civanlar disclose the limitation "the active network is operable to establish a plurality of communication paths between a first device and a second device of the plurality of the devices for communicating data between the first and second devices, wherein the plurality of communication paths comprises exclusively the peripheral portion" (the fig. 3 clearly shows that the devices 90 and 95 are connected via plurality of paths).

3. Applicant's arguments filed 11/21/03 have been fully considered but they are not persuasive. Applicant also filed an affidavit in addition to the argument that Civanlar et al do not disclose active network. The network of Civanlar et al is the active network because the definition of active network itself is when the users communicating to each other in the network at the moment (or currently). The affidavit filed by the inventor is considered by the examiner. However, the examiner does not agree with the applicant that the network of Civanlar et al is not an active network. Further applicant

argued that In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, The communication system of Civanlar et al is not implemented in vehicle. Razavi et al disclose a vehicle communication system (see 60 of fig. 4; fig. 2). Therefore, it would have been obvious to one skilled in the art to use the communication system of Civanlar et al in a vehicle as taught by Razavi et al depending on the design choice.

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 703-308-5347. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AP


Ajit Patel
Primary Examiner